

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL FRANCIS FIRST RAISED,

Defendant.

CR-23-18-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 19, 2024. (Doc. 97.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 17, 2024. (Doc. 92.) The United States accused Daniel First Raised (First Raised) of violating his conditions of supervised release by: (1) failing to comply with substance abuse testing requirements on November 21, 2024; (2) failing to check in with his probation officer as instructed on November 26, 2024; (3) failing to be

at home for a home visit as instructed by his probation officer on November 26, 2024; (4) failing to report for substance abuse testing as instructed on November 30, 2024; (5) during October 2024, failing to report to his probation officer of a change in his employment within 72 hours; (6) during November 2024, failing to report a change in his residence within 72 hours, with his whereabouts unknown as of November 26, 2024; (7) failing to comply with substance abuse testing on October 30, 2024; (8) failing to comply with substance abuse testing on November 24, 2024; (9) failing to report for substance abuse testing on December 4, 2024; (10) using methamphetamine and fentanyl on December 5, 2024; and (11) being in possession of fentanyl on December 6, 2024. (Docs. 87 and 90.)

At the revocation hearing, admitted First Raised admitted that he had violated the terms of his supervised release by: (1) failing to comply with substance abuse testing requirements on November 21, 2024; (2) failing to check in with his probation officer as instructed on November 26, 2024; (3) failing to be at home for a home visit as instructed by his probation officer on November 26, 2024; (4) failing to report for substance abuse testing as instructed on November 30, 2024; (5) during October 2024, failing to report to his probation officer of a change in his employment within 72 hours; (6) during November 2024, failing to report a change in his residence within 72 hours, with his whereabouts unknown as of November 26, 2024; (7) failing to comply with substance abuse testing on

October 30, 2024; (8) failing to comply with substance abuse testing on November 24, 2024; (9) failing to report for substance abuse testing on December 4, 2024; (10) using methamphetamine and fentanyl on December 5, 2024; and (11) being in possession of fentanyl on December 6, 2024. (Doc. 92.)

Judge Johnston found that the violations First Raised admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence until February 28, 2025, with 45 months of supervised release to follow. During the first 60 days of First Raised supervised release he shall be placed at a secure substance abuse treatment facility, such as Connections Corrections. (Doc. 97.) First Raised was advised of his rights to appeal and allocute to the undersigned and waived those rights. (Doc. 92.)

The violations prove serious and warrants revocation of First Raised's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 97.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Daniel Francis First Raised be sentenced to custody until February 28, 2025, with 45 months of supervised release to follow. During the first 60 days of First Raised supervised release he shall be placed at a secure substance abuse treatment facility, such as Connections Corrections

DATED this 23rd day of December, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court